



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,772	04/04/2001	George J. Chanos	CHANOS.001A	3658
20995 7590 05/21/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER JANVIER, JEAN D	
			ART UNIT 3622	PAPER NUMBER
			NOTIFICATION DATE 05/21/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

Office Action Summary	Application No. 09/825,772	Applicant(s) CHANOS, GEORGE J.	
	Examiner Jean Janvier	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 30-45 and 55-60 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 30-45 and 55-60 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Response To Applicant's Arguments

The following Office Action is a response to the Applicant's remarks.

Furthermore, contrary to the Applicant's remarks, Yost anticipates claims 30 and 55. Indeed, Yost discloses, inter alia, a broadcast module enables the creation of a service, the scheduling of the service, subscription of users to the defined services, generation of reports for the service, formatting of outputs of the service and broadcasting of messages based on the output for the service, among other functions. Yost further discloses **a subscription interface module provided to a user enable the user to select at least one service (product) from a plurality of services (products) he wants to subscribe to, the schedule on which he wants to receive the contents (subject areas) related to the selected service, and the personalization criteria to use for personalizing (formatting) his selected content (subject area) from a plurality of contents.** A personalization module may be provided that enables a subscriber to personalize the content of an individual service to which the subscriber is subscribing to or to all services to which the subscriber subscribes. The broadcast module or delivery system may be connected to a plurality of user devices including a personal digital assistant (PDA), facsimile, printer, pager, mobile phone, telephone, electronic mail, and web page output and the selected content (subject area) related to the requested service (product) is formatted to be delivered to one of the user's devices as cited above (col. 35-51; col. 10: 48-67; col. 11: 45 to col. 12: 15).

Therefore, the Applicant's request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Applicant's arguments as herein presented are not plausible and thus, the current **Office Action has been made Final.**

Art Unit: 3622

Detailed Action

Specification

Status of the claims

Claims 30-45 and 55-60 are currently pending in the Application while claims 1-29 and 46-54 are being canceled.

General Comments

First, the claims are very broad in nature and the metes and bounds of the claims are not immediately apparent. Furthermore, although the Applicant argues that the rejections are improper, however, the Applicant's remarks do not help clarify the broad claim language since the Applicant, in his remarks, keeps on repeating or paraphrasing the claim limitations as presented here without being specific or using examples or passages from the specification while trying to explain the claimed invention. **To this end, the rejections will be maintained.**

Second, in the claims or at least in the independent claims, "receiving a subscription to one or more of the specific subject areas" is premature since the consumer is not even aware of the availability of the requested or retrieved information. It appears that intervening or transitional steps, necessary for the understanding of the claims, are omitted therefrom. Broadly interpreted, it appears that "receiving a subscription to one or more of the specific subject areas" should apparently be -- receiving a selection of one or more of the specific subject areas--.

Claim Objections

Claim 60 is objected to because of the following informalities-

Concerning claim 60, "said gathering used to contact...." should apparently be - -said gathering is used to contact...--. Further, the above claim limitation is not necessary since the

Art Unit: 3622

consumer information about the product was gathered from the provider of the product as recited in “.... further comprising gathering the consumer information about the product from providers of the product”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 30-35, 36-45 and 55-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Yost, USP 6,154,766A.

As per claims **30-35, 36-45 and 55-60**, Yost discloses a system for automatic generation of personalized output (selection) from an on-line analytical processing system. The

Art Unit: 3622

system processes at least one scheduled (delivery) service in an on-line analytical processing system and generates personalized output based on personalization information for subscribers of the service (product) to one or more subscriber output devices. The system enables a user to specify global and service-specific personalization information (user's selection information) including specification of multidimensional filters to be applied to services and the specification of trigger criteria to be satisfied before output (final selection) is generated. Personalization information may also be set for each output device for a particular subscriber (receiving a user's selection information, generating an output thereof based on the user's or subscriber's received selection information and delivering the generated output or the final product according to a scheduled delivery-See abstract).

In general, Yost discloses a system and method for automatic broadcasting of personalized reports processed by an on-line analytical processing system reports to subscriber devices, including electronic mail, pagers, personal digital assistants (PDA), facsimiles, printers, telephones, and mobile phones, based on subscriber-specified or administrator-specified criteria (col. 1: 23-29).

The system is configured to broadcast personalized messages to subscribers based on criteria established by the subscribers or a system administrator when those criteria are met or determined to be satisfied by an on-line analytical processing system and enable a user or subscriber to personalize the content of information broadcast from a data warehouse through a subscription interface system that contains references to the contents of the data warehouse.

The system comprises a broadcast module that connects to an on-line analytical processing (OLAP) system comprising a server system for accessing information in one or more data warehouses to perform report analysis. The broadcast module may enable the defining of a service (a "service" as used here should be understood to include one or more reports that are scheduled to be run against one or more data warehouses, relational databases, files in a directory, information from a web or file transfer protocol site, or information provided by a custom module, by a server system). These services may be subscribed to by users (subscribers) or user devices to enable the broadcast module to determine who should receive the results of a service (product).

The broadcast module enables the creation of a service, the scheduling of the service, subscription of users to the defined services, generation of reports for the service, formatting of outputs of the service and broadcasting of messages based on the output for the service, among other functions. A subscription interface module may be provided to enable users to select the services they want to subscribe to, the schedule on which they want to receive the contents of the service, and the personalization criteria to use for personalizing their content. A personalization module may be provided that enables subscribers to personalize the content of an individual service (content selection information) to which the subscribers are subscribing or to all services (or service categories) to which the subscribers subscribe. The broadcast module may be connected to a plurality of user devices including a personal digital assistant (PDA), facsimile, printer, pager, mobile phone, telephone, electronic mail, and web page output.

Further, according to one embodiment, Yost teaches a system for automatically generating output from an on-line analytical processing system based on scheduled services specified by subscribers. The system processes scheduled services in an on-line analytical processing system with each service comprising at least **one query** to be performed by the on-line analytical processing system. The system then automatically forwards output from the services to one or more subscriber output devices specified for that service. Users or subscribers may define new services (service categories), including the schedule (time of delivery) of the services and the type, such as alert services or scheduled services, and may also subscribe to the services provided by the system.

(See abstract; figs 1-4; col. 3: 56 to col. 5: 33; col. 8: 13-59).

All in all, Yost discloses a broadcast module enables the creation of a service, the scheduling of the service, subscription of users to the defined services, generation of reports for the service, formatting of outputs of the service and broadcasting of messages based on the output for the service, among other functions. Yost further discloses **a subscription interface module provided to a user enable the user to select at least one service (product) from a plurality of services (products) he wants to subscribe to, the schedule on which he wants to receive the contents (subject areas) related to the selected service, and the personalization criteria to use for personalizing (formatting) his selected content (subject area) from a plurality of contents.** A personalization module may be provided that enables a subscriber to personalize the content of an individual service to which the subscriber is subscribing to or to all services to which the subscriber subscribes. The broadcast module or delivery system may be connected to a plurality of user devices including a personal digital assistant (PDA), facsimile,

Art Unit: 3622

printer, pager, mobile phone, telephone, electronic mail, and web page output and the selected content (subject area) related to the requested service (product) is formatted to be delivered to one of the user's devices as cited above (col. 35-51; col. 10: 48-67; col. 11: 45 to col. 12: 15).

Claims 30-45 and 55-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Carpenter, US Patent 6,065,047A.

As per claims 30-45 and 55-60, Carpenter discloses a system for navigating an online (consumer) information system. Subscribers provide topic (product) and action preferences to traverse to a customized content area in which related tasks are completed. Customized content areas are reached after subscribers make three or fewer selections. Paths to customized content areas are similar for all combinations of topics, subtopics (subject areas) and related actions so that subscribers can learn quickly how to navigate to any area of the information service (see abstract).

Here, a navigational method of the present system is based on a model of computer/user interaction in which users are graphically prompted for a topic (product/document) of interest, a subtopic (subject matter) of interest and an associated action **including a selection** (receiving a product selection from a user and, in response to the user's selection, arranging or organizing retrieved information into specific subtopic or subject areas, receiving a subscription or a

selection of a subtopic or subject area from the user and formatting and delivering to the user the user's requested information via a customized graphical user-interface or customized content based at least on the subtopic or subject area selected by the user or consumer). Subscribers may make their selections in one of several orders. Once the three selections have been made, the information system assists subscribers by presenting customized content areas in which their specific goals may be accomplished (formatting and presenting/delivering the user's selection of a specific subtopic or subject area into a customized content area or customized interface). See col. 3: 35-47, col. 4: 10-31; figs 1, 4, 6 and 10.

In general, Carpenter discloses a method and a system wherein a subscriber navigates a computer information service adapted to offer at least product information retrieval, electronic mail and services, comprising the steps of:

providing a computer application program for prompting said subscriber and determining said subscriber's responses;

prompting said subscriber to select one of a plurality of topics (products);

determining said subscriber's response to said topic prompt;

prompting said subscriber to select one of a plurality of subtopics (subject areas) related to one or more selected topics;

Art Unit: 3622

determining said subscriber's response to said subtopic prompt (determining if the subscriber has subscribed to at least one subject area or subtopic);

prompting said subscriber to select one of a plurality of actions;

determining said subscriber's response to said action prompt; and

providing said subscriber with access to a content area customized for the combination of said subscriber's responses to said topic prompt, said subtopic prompt and said action prompt to said computer application program (delivering the product information to the consumer or subscriber via a customized interface).

See in general col.5: 10 to col. 7: 15; col. 7: 33 to col. 8: 28; col. 8: 38 to col. 9: 33; See claims 1-33 of the present reference.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USP 6,065,047 discloses a system for navigating an online information system. Subscribers provide topic and action preferences to traverse to a customized content area in which related tasks may be completed. Customized content areas are reached after subscribers make three or fewer selections. Paths to customized content areas are similar for all combinations of topics and actions so subscribers learn quickly how to navigate to any area of the information service.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

01/06/07

JDJ

Jean D. Janvier

Patent Examiner

Art Unit 3622

JEAN D. JANVIER
PRIMARY EXAMINER

